

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JEFFREY W. HERRMANN AND)	
MINA GEROWIN HERRMANN,)	
)	
Plaintiffs,)	
)	Case No. 14-941 T
)	
v.)	Judge Charles F. Lettow
)	
UNITED STATES OF AMERICA,)	
)	
)	
Defendant.)	
_____)	

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE TRANSCRIPT OF DEPOSITION TESTIMONY**

Plaintiffs respectfully move, pursuant to Rule 15(b) of the Rules of the United States Court of Federal Claims, for an order allowing plaintiffs to designate portions of the original deposition transcript of Nicola Dunn, taken in this case on July 14, 2016. Ms. Dunn resides outside of the United States, in London, England, is beyond the subpoena power of this Court and, therefore, is unavailable to testify at trial. Ms. Dunn's deposition contains information that is relevant to Counts One through Four of plaintiffs' Complaint. Counsel for both defendant and plaintiffs attended and participated in Ms. Dunn's deposition. The relevant portions of the transcript plaintiffs intend to use at trial are listed below. A copy of the deposition transcript, with the relevant testimony highlighted, is also attached for the Court's convenience.

Defendant indicated during the Meeting of Counsel on November 15, 2016, that it would not oppose the filing of this motion by plaintiffs and, as a general matter, does not object to the designation of certain portions of Ms. Dunn's deposition testimony. Defendant has not had an

opportunity to review the passages designated by plaintiffs, and consequently reserves its right to object to plaintiffs' designations and to make its own counter designations. A proposed order is respectfully submitted herewith.

Plaintiffs' deposition designations:

Dunn Dep. Tr. at 5:6 – 8	Dunn Dep. Tr. at 62:6 – 12
Dunn Dep. Tr. at 8:10 – 25	Dunn Dep. Tr. at 63:13 – 23
Dunn Dep. Tr. at 9:1 – 25	Dunn Dep. Tr. at 65:1 – 25
Dunn Dep. Tr. at 10:1 – 25	Dunn Dep. Tr. at 66:1 – 16
Dunn Dep. Tr. at 11:1 – 25	Dunn Dep. Tr. at 67:5– 24
Dunn Dep. Tr. at 13:1 – 25	Dunn Dep. Tr. at 68:1 – 4
Dunn Dep. Tr. at 14:1 – 25	Dunn Dep. Tr. at 69:8 – 25
Dunn Dep. Tr. at 15:1 – 25	Dunn Dep. Tr. at 70:1 – 19
Dunn Dep. Tr. at 16:1 – 25	Dunn Dep. Tr. at 71:15 – 21
Dunn Dep. Tr. at 17:1 – 25	Dunn Dep. Tr. at 72:1 – 25
Dunn Dep. Tr. at 18:1 – 25	Dunn Dep. Tr. at 73:1 – 17
Dunn Dep. Tr. at 19:1 – 25	Dunn Dep. Tr. at 76:1 – 25
Dunn Dep. Tr. at 20:1 – 25	Dunn Dep. Tr. at 77:1 – 4
Dunn Dep. Tr. at 21:1 – 8	Dunn Dep. Tr. at 84:4 – 25
Dunn Dep. Tr. at 22:4 – 25	Dunn Dep. Tr. at 85:1 – 14
Dunn Dep. Tr. at 23:1 – 25	Dunn Dep. Tr. at 94:25
Dunn Dep. Tr. at 24:1 – 5	Dunn Dep. Tr. at 87:13 – 18
Dunn Dep. Tr. at 26:5 – 15	Dunn Dep. Tr. at 88:3 – 5
Dunn Dep. Tr. at 27:14, 16 – 25	Dunn Dep. Tr. at 89:3 – 14; 20 – 25
Dunn Dep. Tr. at 28:1 – 4, 12 – 16	Dunn Dep. Tr. at 90:1 – 25
Dunn Dep. Tr. at 29:4 – 5	Dunn Dep. Tr. at 91:1 – 13
Dunn Dep. Tr. at 30:2 – 4	Dunn Dep. Tr. at 92:16 – 19
Dunn Dep. Tr. at 32:11 – 18	Dunn Dep. Tr. at 95:1 – 8; 17 – 25
Dunn Dep. Tr. at 33:13 – 25	Dunn Dep. Tr. at 96:1 – 25
Dunn Dep. Tr. at 34:1 – 25	Dunn Dep. Tr. at 97:1 – 14
Dunn Dep. Tr. at 35:1 – 22	Dunn Dep. Tr. at 98:18 – 22
Dunn Dep. Tr. at 36:11 – 19	Dunn Dep. Tr. at 105:2 – 12
Dunn Dep. Tr. at 37:15 – 22	Dunn Dep. Tr. at 113:16 – 25
Dunn Dep. Tr. at 43:20, 23 – 24	Dunn Dep. Tr. at 114:1 – 25
Dunn Dep. Tr. at 44:1 – 9	Dunn Dep. Tr. at 115:19 – 25
Dunn Dep. Tr. at 46:25	Dunn Dep. Tr. at 116:1 – 25
Dunn Dep. Tr. at 47:13 – 25	Dunn Dep. Tr. at 117:1 – 25
Dunn Dep. Tr. at 48:1 – 25	Dunn Dep. Tr. at 118:1 – 25

Dunn Dep. Tr. at 49:1 – 2; 6 – 23	Dunn Dep. Tr. at 119:1 – 15; 19 – 25
Dunn Dep. Tr. at 51:3 – 25	Dunn Dep. Tr. at 120:3
Dunn Dep. Tr. at 52:11 – 14	Dunn Dep. Tr. at 123:21 – 25
Dunn Dep. Tr. at 53:3 – 8	Dunn Dep. Tr. at 124:3 – 19
Dunn Dep. Tr. at 54:22 – 24	
Dunn Dep. Tr. at 56:9 – 24	

Respectfully Submitted,

/s/ Nathan E. Clukey

Nathan E. Clukey

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*Counsel for Plaintiffs Jeffrey W. Herrmann
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DATED: November 29, 2016

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016, I electronically filed a copy of the foregoing plaintiffs' **MOTION FOR LEAVE TO FILE TRANSCRIPT OF DEPOSITION TESTIMONY** with the Clerk of the Court using the ECF system, which will send notification of such filing to all ECF participants.

/s/ Nathan E. Clukey

Nathan E. Clukey

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PROPOSED ORDER

Plaintiffs are before the Court requesting leave to file portions of the original deposition transcript of Nicola Dunn, taken July 16, 2016, as designated in plaintiffs' Motion for Leave to File Transcript of Deposition Testimony filed on November 29, 2016.

For good cause shown, plaintiffs' motion is GRANTED;

IT IS ORDERED that the designated portions of the deposition transcript of Nicola Dunn be filed.

This ____ day of _____, 2016.

s/ Charles F. Lettow
Honorable Charles F. Lettow
Judge